



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1728

Introduced 2/5/2025, by Sen. Mike Simmons

SYNOPSIS AS INTRODUCED:

775 ILCS 5/3-102
775 ILCS 5/3-106

from Ch. 68, par. 3-102
from Ch. 68, par. 3-106

Amends the Illinois Human Rights Act. Makes it a violation of the Real Estate Transactions Article of the Act to unlawfully discriminate using credit score and history, including insufficient credit history. Limits these provisions to landlord and tenant agreements only.

LRB104 09304 JRC 19362 b

1 AN ACT concerning property.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Sections 3-102 and 3-106 as follows:

6 (775 ILCS 5/3-102) (from Ch. 68, par. 3-102)

7 Sec. 3-102. Civil rights violations; real estate
8 transactions and other prohibited acts. It is a civil rights
9 violation for an owner or any other person, or for a real
10 estate broker or salesman, because of unlawful discrimination,
11 familial status, immigration status, source of income, credit
12 score and history including insufficient credit history, or an
13 arrest record, as defined under subsection (B-5) of Section
14 1-103, to:

15 (A) Transactions. Refuse to engage in a real estate
16 transaction or deny real property, or to discriminate in
17 making available such a transaction;

18 (B) Terms. Alter the terms, conditions or privileges
19 of a real estate transaction or in the furnishing of
20 facilities or services in connection therewith;

21 (C) Offers. Refuse to receive or to fail to transmit a
22 bona fide offer in a real estate transaction from a
23 person;

1 (D) Negotiation. Refuse to negotiate a real estate
2 transaction with a person;

3 (E) Representations. Represent to a person that real
4 property is not available for inspection, sale, rental, or
5 lease when in fact it is so available, or to fail to bring
6 a property listing to the person's attention, or to refuse
7 to permit the person to inspect real property;

8 (F) Publication of Intent. Make, print, circulate,
9 post, mail, publish or cause to be made, printed,
10 circulated, posted, mailed, or published any notice,
11 statement, advertisement or sign, or use a form of
12 application for a real estate transaction, or make a
13 record or inquiry in connection with a prospective real
14 estate transaction, that indicates any preference,
15 limitation, or discrimination based on unlawful
16 discrimination or unlawful discrimination based on
17 familial status, immigration status, source of income, or
18 an arrest record, or an intention to make any such
19 preference, limitation, or discrimination;

20 (G) Listings. Offer, solicit, accept, use or retain a
21 listing of real property with knowledge that unlawful
22 discrimination or discrimination on the basis of familial
23 status, immigration status, source of income, or an arrest
24 record in a real estate transaction is intended.

25 (H) Criteria. Use criteria or methods that have the
26 effect of subjecting individuals to unlawful

1 discrimination or discrimination based on familial status,
2 immigration status, source of income, or an arrest record
3 in a real estate transaction. Such criteria or methods are
4 unlawful under this subsection if they are not necessary
5 to achieve a substantial, legitimate, non-discriminatory
6 interest; or if the substantial, legitimate,
7 non-discriminatory interest could be served by another
8 practice that has a less discriminatory effect.

9 (Source: P.A. 102-896, eff. 1-1-23; 103-232, eff. 1-1-24;
10 103-859, eff. 1-1-25.)

11 (775 ILCS 5/3-106) (from Ch. 68, par. 3-106)

12 Sec. 3-106. Exemptions. Nothing contained in Section 3-102
13 shall prohibit:

14 (A) Private Sales of Single Family Homes.

15 (1) Any sale of a single family home by its owner so
16 long as the following criteria are met:

17 (a) The owner does not own or have a beneficial
18 interest in more than 3 single family homes at the time
19 of the sale;

20 (b) The owner or a member of the owner's family was
21 the last current resident of the home;

22 (c) The home is sold without the use in any manner
23 of the sales or rental facilities or services of any
24 real estate broker or salesman, or of any employee or
25 agent of any real estate broker or salesman;

1 (d) The home is sold without the publication,
2 posting or mailing, after notice, of any advertisement
3 or written notice in violation of paragraph (F) of
4 Section 3-102.

5 (2) This exemption does not apply to paragraph (F) of
6 Section 3-102.

7 (B) Apartments. Rental of a housing accommodation in a
8 building which contains housing accommodations for not more
9 than 4 families living independently of each other, if the
10 owner resides in one of the housing accommodations. This
11 exemption does not apply to paragraph (F) of Section 3-102.

12 (C) Private Rooms. Rental of a room or rooms in a private
13 home by an owner if the owner or a member of the owner's family
14 resides therein or, while absent for a period of not more than
15 12 months, if the owner or a member of the owner's family
16 intends to return to reside therein. This exemption does not
17 apply to paragraph (F) of Section 3-102.

18 (D) Reasonable local, State, or federal ~~Federal~~
19 restrictions regarding the maximum number of occupants
20 permitted to occupy a dwelling.

21 (E) Religious Organizations. A religious organization,
22 association, or society, or any nonprofit institution or
23 organization operated, supervised, or controlled by or in
24 conjunction with a religious organization, association, or
25 society, from limiting the sale, rental, or occupancy of a
26 dwelling which it owns or operates for other than a commercial

1 purpose to persons of the same religion, or from giving
2 preference to such persons, unless membership in such religion
3 is restricted on account of race, color, or national origin.

4 (F) Sex. Restricting the rental of rooms in a housing
5 accommodation to persons of one sex.

6 (G) Persons Convicted of Drug-Related Offenses. Conduct
7 against a person because such person has been convicted by any
8 court of competent jurisdiction of the illegal manufacture or
9 distribution of a controlled substance as defined in Section
10 102 of the federal Controlled Substances Act (21 U.S.C. 802).

11 (H) Persons engaged in the business of furnishing
12 appraisals of real property from taking into consideration
13 factors other than those based on unlawful discrimination or
14 familial status or source of income in furnishing appraisals.

15 (H-1) The owner of an owner-occupied residential building
16 with 4 or fewer units (including the unit in which the owner
17 resides) from making decisions regarding whether to rent to a
18 person based upon that person's sexual orientation.

19 (I) Housing for Older Persons. No provision in this
20 Article regarding familial status shall apply with respect to
21 housing for older persons.

22 (1) As used in this Section, "housing for older
23 persons" means housing:

24 (a) provided under any State or federal ~~Federal~~
25 program that the Department determines is specifically
26 designed and operated to assist elderly persons (as

1 defined in the State or federal ~~Federal~~ program); or

2 (b) intended for, and solely occupied by, persons
3 62 years of age or older; or

4 (c) intended and operated for occupancy by persons
5 55 years of age or older and:

6 (i) at least 80% of the occupied units are
7 occupied by at least one person who is 55 years of
8 age or older;

9 (ii) the housing facility or community
10 publishes and adheres to policies and procedures
11 that demonstrate the intent required under this
12 subparagraph ~~subdivision~~ (c); and

13 (iii) the housing facility or community
14 complies with rules adopted by the Department for
15 verification of occupancy, which shall:

16 (aa) provide for verification by reliable
17 surveys and affidavits; and

18 (bb) include examples of the types of
19 policies and procedures relevant to a
20 determination of compliance with the
21 requirement of clause (ii).

22 These surveys and affidavits shall be admissible in
23 administrative and judicial proceedings for the purposes
24 of such verification.

25 (2) Housing shall not fail to meet the requirements
26 for housing for older persons by reason of:

1 (a) persons residing in such housing as of the
2 effective date of this amendatory Act of 1989 who do
3 not meet the age requirements of subparagraph
4 ~~subsections~~ (1) (b) or (c); provided, that new
5 occupants of such housing meet the age requirements of
6 subparagraph ~~subsections~~ (1) (b) or (c) of this
7 subsection; or

8 (b) unoccupied units; provided, that such units
9 are reserved for occupancy by persons who meet the age
10 requirements of subparagraph ~~subsections~~ (1) (b) or (c)
11 of this subsection.

12 (3) (a) A person shall not be held personally liable
13 for monetary damages for a violation of this Article if
14 the person reasonably relied, in good faith, on the
15 application of the exemption under this subsection (I)
16 relating to housing for older persons.

17 (b) For the purposes of this paragraph ~~item~~ (3), a
18 person may show good faith reliance on the application of
19 the exemption only by showing that:

20 (i) the person has no actual knowledge that the
21 facility or community is not, or will not be, eligible
22 for the exemption; and

23 (ii) the facility or community has stated
24 formally, in writing, that the facility or community
25 complies with the requirements for the exemption.

26 (J) Child Sex Offender Refusal to Rent. Refusal of a child

1 sex offender who owns and resides at residential real estate
2 to rent any residential unit within the same building in which
3 the child sex offender resides to a person who is the parent or
4 guardian of a child or children under 18 years of age.

5 (K) Arrest Records. Inquiry into or the use of an arrest
6 record if the inquiry or use is otherwise authorized by State
7 or federal law.

8 (L) Financial Institutions. A financial institution as
9 defined in Article 4 from considering source of income or
10 immigration status in a real estate transaction in compliance
11 with State or federal law.

12 (M) Immigration Status. Inquiry into or the use of
13 immigration status if the inquiry or use is in compliance with
14 State or federal law.

15 (N) Credit Reports. The consideration and use of credit
16 scores and credit history including insufficient credit
17 history is prohibited only for landlord and tenant agreements.

18 (Source: P.A. 102-896, eff. 1-1-23; 103-232, eff. 1-1-24;
19 revised 7-24-24.)